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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,345	12/29/2000	Eric W. Parsons	061473/0269982	8396

7590 11/06/2002

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2697

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,345

Applicant(s)

PARSONS ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 5 and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is clear that the claimed WAP is not well-known keyword. Therefore, 'the WAP push protocol' is unpatentable subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4, 6-12 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (U.S. Patent No. 6,333,973).

Regarding claims 1 and 9, Smith discloses message a center 6100 representing the user the SMS notification messages for all types of messages (fig.5; fig.6; col.8, lines 26-29; 'SMS

notification messages' reads on the claim 'information regarding message events' and 'all types of messages' reads on the claimed 'message feeds').

Smith further discloses different types of message servers informing SMS server of the pending messages (col.7, lines 43,44, lines 61,62; col.8, lines 2,3; 'informing' reads on the claim 'updating' and 'pending messages' reads on the claim 'a list of messages').

Smith further discloses SMS server 5300 notifying the user of pending messages via SMS notification messages (fig.5; col.7, lines 16-21; 'notification' reads on the claim 'alert').

Smith further discloses SMS server 5300 transmitting SMS messages, including notification messages, on mobile telephone 1100's GSM signaling channel associated with the user (col.7, lines 20-22; 'transmitting SMS messages, including notification messages' reads on the claim 'pushing the alert').

Smith further discloses Backup 5900 serving as a backup memory device that stores pending messages in the event of a failure in one of the servers (fig.5; col.8, lines 8-10; 'serving as a backup' reads on the claim 'archiving information').

Regarding claims 2 and 10, Smith further discloses hot-links into the SMS text messages for accessing backup server (fig.5, fig.9A, fig.9B; col.9, lines 23-34; 'hot-links' reads on the claim 'link').

Regarding claims 3 and 11, Smith further discloses the pending messages comprising voice mail, fax mail, e-mail etc. (col.3, lines 50-54).

Regarding claims 4 and 12, Smith further discloses the message center to inform a user of incoming messages, such as fax mail, e-mail, voice mail, etc. (col.3, lines 50-54; 'incoming' reads on the claim newly received'), to delete the messages, such as voice mail, fax mail, e-mail,

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etc. (fig.10, fig.11, fig.12; col.9, lines 46-49; col.10, lines 11-14) and to mark the messages as read (fig.7B; col.8, lines 66, 67 and col.9, lines 1-5).

Regarding claims 6 and 14, Smith further discloses message center 6100 (fig.6) organizing the messages according to user preference (col.8, lines 46, 47; 'user preference' reads on the claim 'an indication of a most recent one of the message events').

Regarding claims 7 and 15, Smith further discloses message center 6100 (fig.6) providing more detailed information like the sender's home, office, and/or cellular telephone number, a location icon indicating from where the sender sent the message, the sender's e-mail address, the date and time the message was received, etc.(col.8, lines 52-61; 'detailed information' reads on the claim 'an identification of a caller associated with the most recent message event' and 'sender' reads on the claim 'caller')

Regarding claims 8 and 16, Smith further discloses message center 6100 presenting the user with an indication of the total number of messages received 7100 and sent 7200 and type of messages (fig.7A; col. 8, lines 36-45; 'type of messages' reads on the claim 'each of the message feeds').

Regarding claim 17, Smith further discloses voice mail server 5600 storing voice messages for the user (fig. 5; col.7, lines 40, 41; 'voice mail server' reads on the claim 'first messaging server' and 'voice messages' reads on the claim 'store messages from a first message feed') and fax mail server 5700 storing fax mail messages for the user (fig. 5; col.7, lines 40, 41; 'fax mail server' reads on the claim 'second messaging server' and 'fax mail messages' reads on the claim 'store messages from a second message feed').

Smith further discloses SMS server collecting information of the pending messages from different types of message servers (col.7, lines 43,44, lines 61,62; col.8, lines 2,3; 'different types of message servers' reads on the claim 'first and second messaging servers' and 'SMS server' reads on the claim 'notification server'), notifying the user of pending messages via SMS notification messages (fig.5; col.7, lines 16-21; 'notification' reads on the claim 'alert') and transmitting SMS messages, including notification messages, on mobile telephone 1100's GSM signaling channel associated with the user (col.7, lines 20-22; 'transmitting SMS messages, including notification messages' reads on the claim 'to push alerts').

Smith further discloses Backup 5900 serving as a backup memory device that stores pending messages in the event of a failure in one of the servers (fig.5; col.8, lines 8-10; 'Backup 5900' reads on the claim 'an archive coupled to the notification server and 'pending messages' reads on the claim 'message headers based on the collected information, the pushed alerts including a link for accessing the archive').

Regarding claim 18, Smith further discloses a user friendly interface provided by mobile telephone 1100 facilitating message retrieval, manipulation, and response by the user (fig.2; col.5, lines 9-10; 'user friendly interface' reads on the claim 'a wireless interface' and 'facilitating' reads on the claim 'to communicate with the wireless device') and the HTML code permitting the caller to insert selection buttons or hot-links into the SMS text messages for accessing backup server (fig.5, fig.9A, fig.9B; col.9, lines 23-34; 'selection buttons or hot-links into the SMS text messages' reads on the claim 'selection of the link included in the pushed alerts').

Regarding claim 19, Smith further discloses the pending messages comprising voice mail, fax mail, e-mail etc. (col.3, lines 50-54; 'the pending messages' reads on the claim 'the first message feed' and 'the second message feed').

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Patent No. 6,333,973) and in view of Gustafsson (U.S. Patent No. 6,424,841).

Regarding claims 5 and 13, Smith fails to teach "pushing the alert using the WAP push protocol". Gustafsson teaches SMS server 400 coupled to proxy server device 140 serving the wireless client devices through airnet 120 using the WAP communication protocol (fig.3, fig.4, fig.5; col.13, lines 32-41, 65,66; col.14, lines 1-6; 'serving' reads on the claim 'pushing the alert' and 'WAP communication protocol' reads on the claim 'WAP push protocol'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith to have transmit SMS message using WAP communication protocol as taught by Gustafsson. The motivation for the modification is to allow wireless users to get SMS message using WAP communication protocol.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Patent No. 6,333,973) and in view of Matthews et al. (U.S. Patent No. 4,602,129).

Regarding claim 20, Smith teaches callers using telephone 1300 and ADSI telephone 1700 communicated with the user and left messages if no answer was made which were stored as voice mail messages in network services provider 1200 (fig.1; col.4, lines 15-24, 65-67; col.5, lines 1-8; 'telephone 1300 and ADSI telephone 1700' reads on the claim 'office phones' and voice mail messages, reads on the claim 'one of the first and second message feeds'). However, Smith fails to teach "PBX coupled to a plurality of office phones". Matthews teaches the user's telephones 18 connected to the PBX's 12 have access to the VMS 10 and the features of the VMS 10 may be utilized by a small customer with a single PBX 12 or by much larger customers having multiple PBX's 12 interfaced with a single VMS 10 (fig.1; col.4, lines 41-46; 'much larger customers having multiple PBX's 12' reads on the claim 'a PBX coupled to a plurality of office phones'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith to have a PBX coupled to the office phones as taught by Matthews. The motivation for the modification is to allow more users to handle the phone calls.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where

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this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

MD SHAFIUL ALAM ELAHEE

November 1, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written below the printed name and title.